

MINUTES
CITY OF IMPERIAL BEACH
CITY COUNCIL
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY
HOUSING AUTHORITY
IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY
NOVEMBER 1, 2017
Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932
REGULAR & CLOSED SESSION MEETINGS – 6:00 P.M.

REGULAR MEETING CALL TO ORDER

Mayor Dedina called the Regular Meeting to order at 6:00 p.m.

ROLL CALL

Councilmembers Present: West, Patton, Spriggs
Councilmembers Absent: None
Mayor Pro Tem Present: Bragg
Mayor Present: Dedina
Staff Present: City Manager Hall, City Attorney Lyon, City Clerk Kelly, Assistant City Manager Dush, Administrative Services Director Bradley, Public Safety Director French, City Planner Foltz

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Sergio M. Frost, President of the Fleet Reserve Association, Branch 289.

AGENDA CHANGES

City Manager Hall announced the following was submitted as Last Minute Agenda Information:

- Item No. 2.4: Letter from Mayor of Chicago, Executive Director for C40 Cities Climate and Vice Chair for Global Covenant of Mayors for Climate & Energy, dated October 2017 and Preliminary Schedule
- Item No. 5.1: Email correspondence from Candy Unger, dated 11/1/17

MOTION BY WEST, SECOND BY SPRIGGS, TO TAKE ITEM NO. 6.1 IMMEDIATELY AFTER THE CONSENT CALENDAR AND TAKE ITEM NO. 2.3 OFF THE CONSENT CALENDAR FOR DISCUSSION AFTER ITEM NO. 6.1. MOTION CARRIED UNANIMOUSLY.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

Councilmember Spriggs reported on a gathering of approximately 28 people where he received community input on issues facing the City, a summary was submitted to the City Manager. He also reported on his participation in a League of California Cities webinar sponsored by the Coastal Cities Interest Group, it was regarding the California Ocean Protection Council's status on their preparation of State Sea Level Rise Guidelines. One concern is how they fit in with the recently completed California Coastal Commission Residential Sea Level Rise Guidelines.

Councilmember Patton reported on his attendance of Tyra Moe's farewell gathering and thanked her for her service to the City. He reported on the project at Triangle Park and he wished the Mar Vista High School Water Polo Team good luck as they play a CIF game in Coronado this evening.

Councilmember West recognized Tyra Moe for her service, he reported on speaking to a South County Boy Scout Troop, attending the IB Thrills and Chills event along with Mayor, attending a meeting about the homelessness and Hepatitis A issues. He announced the kick-off of the Clean Cities Initiative for 2018 will be held at Rose Teeple Park on Martin Luther King Day, on November 3 Senator Hueso will have a talk about the Salton Sea and the Tijuana River Valley followed by a walk and talk in the Tijuana Estuary with Assembly Gloria and Director Peregrin. He also announced the upcoming craft fair at the Fleet Reserve Association, the Dia de los Muertos

event at the Imperial Beach Library and the Centennial Celebration at Navy Base North Island.

Wes Bomeyea, Community Plans & Liaison for Naval Base Coronado, announced Naval Air Station North Island turns 100 on November 8 with a celebration on November 11.

Mayor Pro Tem Bragg reported on her attendance at the SANDAG Transportation Committee meeting (as an MTS representative) and said there is a mini-grant program that the Chamber of Commerce may be interested in, she also attended the MTS Board meeting and had a copy of the Zero Emissions Transit Vehicles Issue available for review. She announced the upcoming Military Appreciation Day on November 11 and announced the Historical Society will have on display a 1933 jacket that belonged to a Lt. Commander.

Mayor Dedina reported on his attendance at the SANDAG Borders Committee meeting where there were presentations by agency partners on binational cooperation on public safety. He reported SANDAG is dealing with implementation of AB 805. He also reported that he is on the SANDAG's audit committee and recommendations for reforming the agency to improve transparency, communications and the way data is managed. He announced attendance at the inauguration of the fencing and beautification project at Public Works, which is a partnership with Four Walls, IB Arts Bureau, Boys and Girls Club, I.B. Beautiful, Bayside School and funded by SDG&E and IB Beautiful. He also announced the openings of Poke 123 and Trident Coffee and the soft opening of the Brigantine.

COMMUNICATIONS FROM CITY STAFF

City Manager Hall announced an update on CIP projects will be presented at an upcoming City Council meeting and he wished Tyra Moe well.

PUBLIC COMMENT

Jack Van Zandt spoke regarding Item No. 5.1, said the Chamber of Commerce can run without a physical office, the BID has timed out and recommended that the BID be closed out and stop doing business with it, do away with the assessment and the Chamber of Commerce will run on its own.

Josie Hamada announced that at the Woman's Club is holding their Third Annual Christmas Card event for the military at the Veteran's Day event. The goal is to have 1,000 cards signed and sent to the overseas military personnel.

Tyra Moe spoke about her experience in Imperial Beach and thanked the City and Community for their support (additional speaking time donated by June Engel and Nancy Dayton).

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1, 2.2 & 2.4-2.6)

Dante Pamintuan spoke in opposition to Item No. 2.6 and was opposed to the spending of City funds on this trip.

In response to Mayor Pro Tem Bragg, Mayor Dedina stated that he was invited by the Mayor of Chicago to attend the Mayor's Climate Summit. It is a non-partisan event and attended by Mayor's from throughout the country to talk about issues relating to climate change and the impact on cities. They are paying for the plane fare and one hotel night stay.

Mayor Pro Tem Bragg stated that to be more transparent, City Council places travel on the agenda prior to travel.

MOTION BY SPRIGGS, SECOND BY WEST, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1, 2.2 AND 2.4 THROUGH 2.6. MOTION CARRIED UNANIMOUSLY.

2.1 RATIFICATION OF WARRANT REGISTER. (0300-25)

City Council ratified the warrant register.

2.2 BUDGET ADJUSTMENT TO RECEIVE CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT'S HOUSING RELATED PARKS (HRP) FUNDS. (0390-86 & 0930-20)

City Council adopted Resolution No. 2017-7862 and authorized the budget adjustment.

2.4 SECOND READING AND ADOPTION OF ORDINANCE NO. 2017-1168 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AMENDING TITLE 2 OF THE IMPERIAL BEACH MUNICIPAL CODE TO ADD CHAPTER 2.11 "CITY COUNCIL COMPENSATION"; APPROVING AN INCREASE IN CITY COUNCIL COMPENSATION; AND ESTABLISHING AN ANNUAL REVIEW OF CITY COUNCIL COMPENSATION. (0520-70 & 0520-95)

City Council conducted the second reading and adopted Ordinance No. 2017-1168 by title only and waived reading in full.

2.5 SECOND READING AND ADOPTION OF ORDINANCE NO. 2017-1167 AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF IMPERIAL BEACH AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CalPERS) TO INCLUDE COST SHARING FOR CLASSIC MISCELLANEOUS AND SAFETY LIFEGUARD MEMBERS. (0520-70 & 0520-95)

City Council conducted the second reading, by title only, waived reading in full, and adopted Ordinance No. 2017-1167 authorizing an amendment to the contract between the City of Imperial Beach and the Board of Administration of the California Public Employees' Retirement System (CalPERS) to include cost sharing for classic miscellaneous and safety lifeguard members.

2.6 NOTIFICATION OF TRAVEL: MAYOR DEDINA IS PLANNING TO ATTEND THE NORTH AMERICAN CLIMATE SUMMIT, IN CHICAGO ILLINOIS, DECEMBER 4 - 5, 2017. (0410-60).

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (6.1)

6.1 ADOPTION OF RESOLUTION NO. SA-17-57 APPROVING, AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO PROFESSIONAL SERVICES AGREEMENTS WITH MONTAGUE DEROSE AND ASSOCIATES, AS MUNICIPAL ADVISOR; JONES HALL, AS BOND AND DISCLOSURE COUNSEL; AND FRASER & ASSOCIATES, AS FISCAL CONSULTANT, TO PROVIDE FINANCIAL SERVICES FOR THE POSSIBLE REFUNDING OF THE 2010 TAX ALLOCATION BONDS AND REQUESTING THAT THE OVERSIGHT BOARD DIRECT THE SUCCESSOR AGENCY TO BEGIN THE PROCEEDINGS OF REFUNDING THE SERIES 2010 TAX ALLOCATION BONDS, INCLUDING APPROVING REFUNDING COSTS AS AN ENFORCEABLE OBLIGATION (0418-50)

Administrative Services Director Bradley reported on the item, reviewed the distribution of the debt service savings and responded to questions of City Council regarding non-contingent fees.

In response to Councilmember West, Michael Kremer with Montague DeRose and Associates, stated he was reluctant to make predictions on rate increases, noting that more will be known in December. This evening is approval of agreements, with more information returning to the Successor Agency in December. He noted that as Mr. Bradley reported, the savings would be \$1.5M.

Mayor Dedina left Council Chambers at 6:44 p.m. returned at 6:47 p.m.

MOTION BY PATTON, SECOND BY WEST, TO ADOPT RESOLUTION NO. SA-17-57 AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO PROFESSIONAL SERVICES AGREEMENTS WITH MONTAGUE DEROSE AND ASSOCIATES, JONES HALL, AND FRASER & ASSOCIATES TO PROVIDE SERVICES FOR THE POSSIBLE REFUNDING OF THE SERIES 2010 TAX ALLOCATION BONDS AND REQUESTING THAT THE OVERSIGHT BOARD DIRECT THE SUCCESSOR AGENCY TO (1) PROCEED WITH THE REFUNDING PROCESS AND (2) PLACE THE REFUNDING COSTS ON THE SUCCESSOR AGENCY'S RECOGNIZED OBLIGATION PAYMENT SCHEDULE. MOTION CARRIED UNANIMOUSLY.

ITEMS PULLED FROM THE CONSENT CALENDAR

2.3 RESOLUTION NO. 2017-7861 CONTINUING THE PROCLAMATION OF A STATE OF LOCAL EMERGENCY RELATING TO IMPACTS FROM CROSS-BORDER POLLUTION IN THE TIJUANA RIVER (0150-40 & 0210-26)

Mayor Dedina announced the Notice of Intent that was filed by the City of Imperial Beach was joined by the County of San Diego, City of San Diego, City of Chula Vista, and the Port of San Diego. He reported on the ongoing efforts to address the sewage issue and the recent sewage spill from last week that made several people sick, and the press conference that took place earlier today. He also spoke about the need for the State of California to address the issue.

MOTION BY WEST, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2017-7861 TO MAINTAIN A STATE OF LOCAL EMERGENCY RELATED TO THE CROSS-BORDER POLLUTION IMPACTS FROM THE TIJUANA RIVER AND AUTHORIZE THE CITY MANAGER, MAYOR, AND COUNCIL MEMBERS TO WORK WITH LOCAL, STATE, FEDERAL, AND MEXICAN AUTHORITIES TO ADVANCE BINATIONAL PROJECTS TO IMPROVE CONDITIONS IN THE TIJUANA RIVER. MOTION CARRIED UNANIMOUSLY.

ORDINANCES/INTRODUCTION & FIRST READING (3.1-3.2)

3.1 INTRODUCTION & FIRST READING OF ORDINANCE NO. 2017-1169 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AMENDING TITLE 3 CHAPTER 3.04 "PURCHASING" OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO BIDDING AND AWARD OF CONTRACTS FOR SUPPLIES, SERVICES AND EQUIPMENT. (0380-95)

Administrative Services Director Bradley reported on the item.

Mayor Pro Tem Bragg thanked Mr. Bradley for bringing the issue forward which is in response to City Council's desire to be more efficient with resources including staff's time.

City Clerk Kelly read the title of Ordinance 2017-1169 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA AMENDING TITLE 3 CHAPTER 3.04 "PURCHASING" OF THE IMPERIAL BEACH MUNICIPAL CODE RELATED TO BIDDING AND AWARD OF CONTRACTS FOR SUPPLIES, SERVICES AND EQUIPMENT.

MOTION BY BRAGG, SECOND BY SPRIGGS, TO INTRODUCE ORDINANCE 2017-1169 BY TITLE ONLY, WAIVE FURTHER READING, AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

3.2 AN INTRODUCTION OF ORDINANCE NO. 2017-1165, AMENDING CHAPTER 12.33 OF THE IMPERIAL BEACH MUNICIPAL CODE CONCERNING SPECIAL EVENT PERMITS. (1040-95)

City Manager Hall gave a PowerPoint presentation on the item. He noted that the ordinance would lower the threshold for what is defined as a special event from 50 persons to 25 persons, making it consistent with other beach cities. He responded to questions of City Council stating that the City Council can waive the fees for quasi-City events; with regard to concern raised regarding animals at events that could harm the public, staff will discuss language with the Humane Society.

Valerie Acevez expressed concern about the fees for Veteran's Park and Sports Park preventing families from holding birthday parties at the parks.

Councilmember Spriggs suggested that staff return with an update on how the process is going and with regard to concern expressed about the fees, he suggested graduated fees such as \$250 for 25 people and \$500 for 50 or more people.

City Manager Hall stated staff can hold off on the fees and bring it back for City Council's consideration.

Councilmember Patton questioned how big of an area people can reserve at Veterans Park and he stressed that there should be a balance between the amount of the deposit and the potential

cost for cleanup/repairing damage.

With regard to concern raised about City Council considering special events at City Council meetings, City Manager Hall stated that events to be considered will be placed on the Consent Calendar.

Mayor Pro Tem Bragg suggested the addition of a category "Family Celebrations."

Mayor Dedina noted there is a difference between a large event and a family party and spoke about the importance of striking a balance to reflect the economic interests of the City and families.

City Clerk Kelly read the title of Ordinance 2017-1165 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING CHAPTER 12.33 OF THE IMPERIAL BEACH MUNICIPAL CODE CONCERNING SPECIAL EVENT PERMITS.

MOTION BY SPRIGGS, SECOND BY WEST, TO IMPLEMENT THE RECOMMENDATION OF THE PARKS AND RECREATION COMMITTEE AS ESTABLISHED IN THE STAFF REPORT, AND INTRODUCE ORDINANCE NO. 2017-1165 AMENDING CHAPTER 12.33 OF THE IMPERIAL BEACH MUNICIPAL CODE ("IBMC"), SPECIAL EVENT PERMITS BY TITLE ONLY AND WAIVE FURTHER READING OF THE ORDINANCE. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (4.1)

4.1 PUBLIC HEARING TO CONSIDER AN ORDINANCE TO FURTHER EXTEND INTERIM URGENCY ORDINANCE NO. 2017-1160 OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA PURSUANT TO GOVERNMENT CODE SECTION 65858 IMPOSING A TEMPORARY MORATORIUM ON COMMERCIAL NON-MEDICAL MARIJUANA ACTIVITIES IN THE CITY OF IMPERIAL BEACH IN LIGHT OF THE PASSAGE OF PROPOSITION 64. (0610-95)

Mayor Dedina declared the public hearing open.

City Attorney Lyon reported on the item.

Jovita Arellano, representing the Institute for Public Strategies, stated they would support decisions made by the City Council, they are available to help policy makers understand the decisions that they may be faced with and able to share the lessons learned based on research they have done.

Laura Wilkinson spoke in support for cannabis use and cannabis businesses (additional speaking time donated by Marcus Boyd).

Councilmember Spriggs spoke in support for moving forward with the ordinance to extend the moratorium.

City Clerk Kelly read the title of Ordinance No. 2017-1170 AN ORDINANCE TO FURTHER EXTEND INTERIM URGENCY ORDINANCE NO 2017-1160 OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA PURSUANT TO GOVERNMENT CODE SECTION 65858 IMPOSING A TEMPORARY MORATORIUM ON COMMERCIAL NON-MEDICAL MARIJUANA ACTIVITIES IN THE CITY OF IMPERIAL BEACH IN LIGHT OF THE PASSAGE OF PROPOSITION 64.

Without dissention from City Council, Mayor Dedina closed the public hearing.

MOTION BY SPRIGGS, SECOND BY PATTON, TO INTRODUCE ORDINANCE 2017-1170 TO FURTHER EXTEND URGENCY ORDINANCE 2017-1160 OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA PURSUANT TO GOVERNMENT CODE SECTION 65858 IMPOSING A TEMPORARY MORATORIUM ON COMMERCIAL NON-MEDICAL MARIJUANA ACTIVITIES IN THE CITY OF IMPERIAL BEACH IN LIGHT OF THE PASSAGE OF PROPOSITION 64 BY TITLE ONLY AND WAIVE FURTHER READING OF THE ORDINANCE IN FULL. MOTION CARRIED UNANIMOUSLY.

REPORTS (5.1)

5.1 REQUEST FOR DIRECTION FROM THE CITY COUNCIL REGARDING THE POTENTIAL SEPARATION OF THE IMPERIAL BEACH CHAMBER OF COMMERCE AND THE IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT (0465-20 & 0130-10)

City Manager Hall gave a PowerPoint presentation on the item. He reported that the Chamber of Commerce submitted a recommendation to separate the activities of the Chamber and the Business Improvement District (BID) Board and to dissolve the BID. He noted that the City Council does not have the purview to separate these functions as these are functions of the Chamber of Commerce. The BID Board asked for the separation of activities of the Chamber and BID, to retain the BID and expend funds consistent with the enabling ordinance and to provide 50% of the annual BID funds to the Chamber for at least the next year to allow for a financial adjustment period.

Mayor Dedina announced Tim O'Neal submitted a letter supporting the separation of the Chamber of Commerce from the BID and Candy Unger submitted an e-mail letter supporting separation of the BID.

Marcus Boyd spoke in support for a one-year outreach time period to allow time to bring in more businesses within the BID and give it chance. He raised concern that in the past the BID was driven by a select few. He supported separation of the BID and Chamber and the opportunity to do outreach.

Karen Odermatt, representing the I.B. Chamber of Commerce, supported separation of the BID and the comments that will be provided by Valerie Acevez.

Valerie Acevez, representing the I.B. Chamber of Commerce, spoke in support for a third option: to have the Chamber of Commerce administer the BID and create new rules and bylaws or amend the current rules and bylaws.

In response to Councilmember Spriggs, City Attorney Lyon stated there is an ordinance that sets up the geographical locations within the City and those businesses are charged the assessment and the assessment is based on business type. She also stated that the law requires there to be an advisory board to administer the BID. When the BID was established, the City Council appointed the Chamber of Commerce as the advisory board. The BID, right now, is a subchapter of the Chamber. Staff is only seeking direction from City Council tonight.

Councilmember Patton stated that he sees this topic returning to numerous meetings and in response to Councilmember Patton, City Manager Hall reviewed the BID's recommendation.

Valerie Acevez stated the Chamber of Commerce is not currently receiving funds through the BID and they are doing fine. They are actively seeking new members.

Councilmember Bragg gave background on the creation of the BID. She stated that what is lacking is documentation from the Chamber of Commerce that this action was taken at a Board meeting. Also lacking is documentation from the BID Board. If it took 51 businesses to establish the BID, she would like to see documentation showing businesses don't want to be part of the BID anymore. She requested the Chamber of Commerce's financials and business model showing how they would proceed without the BID funds. She was troubled with the Chamber of Commerce taking over the BID because not all Chamber members are members of the BID. She took exception to comments made by Mr. Van Zandt regarding a "virtual" Chamber. She supported a brick and mortar location for people to visit and for a paid Chamber of Commerce Executive Director to carry out the direction of the Chamber Board. She requested documentation and proven outreach.

Councilmember West commented on how he has seen a successful BID in another city. He spoke in support for more business participation and workshops before moving forward.

Councilmember Spriggs commented on how the City has a different legal relationship with the BID than with the Chamber of Commerce and discussed the complexities associated with it.

Mayor Dedina commented that the Chamber of Commerce is a 501(c)(3), run by its Board of Directors and is a legal entity regulated by the state of California. He favored the idea of Item #2, eliminate the source of conflict, that the City dissolves itself from any oversight of the Chamber and takes control of monies collected from businesses and have management oversight through an advisory board to ensure monies are spent effectively. He spoke in support of having the City reconstitute control of the BID and come up with a new advisory board so that the City can work with the business owners to

manage and disperse funds that are collected or we would have to dissolve it. He also spoke about the City staying out of the Chamber of Commerce business yet making sure the City oversees the BID funds it collects and ensuring that the funds are managed correctly. He also stated that he will not approve the BID budget until there is more accountability and control of those funds.

Councilmember Spriggs spoke in support for an accountable structure so the City doesn't have to be involved with the inner workings of the BID. He supported removing the City from the process as much as possible and still fulfill the responsibility to make sure the funds go where they are supposed to go. He also supported exploration of separation.

Councilmember West commented that separating the two entities can be done but establishing a new advisory board can be challenging.

Mayor Pro Tem Bragg commented that the new board needs to be composed of BID assesses, she spoke in support for separation, for more documentation, that the City staff not work on it and that the Chamber and BID return to City Council with the information.

Mayor Dedina said the BID needs to have suggestions from City staff, that the City come up with suggestions and a structure on how to improve the BID and ensure so that there is accountability, oversight and the money collected from business owners is spent in a legal manner consistent with the ordinance.

Councilmember Spriggs suggested looking at successful BIDs.

City Manager Hall stated staff is only seeking City Council's direction tonight.

City Attorney Lyon stated that the City is going to take steps to select or designate a new advisory board and more actions will be considered by the City Council in the future. She also reviewed the process for dissolving the BID.

City Attorney Lyon announced the Closed Session was removed from the agenda.

ADJOURN REGULAR MEETING

Mayor Dedina adjourned the Regular Meeting at 8:52 p.m.

_____/s/
Serge Dedina,
Mayor

_____/s/
Jacqueline M. Kelly, MMC
City Clerk